THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 8787 of 1996

Dated: 22-01-2007

Between:

Gangapatnam Mohan

..... PETITIONER

AND

The Registrar,
Sri Venkateswara University,
Tirupathi and 4 others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 8787 of 1996

O R D E R:

This writ petition is filed seeking a declaration that the action of the second respondent-College in selecting the 5th respondent as lecturer in Political Science pursuant to the notification dated 02-11-1994 is arbitrary and illegal.

The petitioner pleaded that he is working as part-time Lecturer in the 2nd respondent college and fully qualified to be appointed as Lecturer in the subject of Political Science. It is pleaded that though he has put in more than 3 years of service, the 2nd respondent has illegally terminated his services and issued a notification for fresh appointment of Lecturer in Political Science.

It is not in dispute that the petitioner has also applied pursuant to the notification and he was interviewed by duly constituted Selection Committee along with 3 others. It is alleged that though the petitioner stood first in the panel prepared by the Selection Committee at the instance of the 2nd respondent the said list was not sent for ratification, but instead the name of the 5th respondent who secured lesser marks was recommended and ultimately the same was approved by the University. Contending that the entire action of the respondent is arbitrary and

illegal, the present writ petition is filed.

Though the petitioner sought for a direction to the first respondent not to ratify the selection of the 5th respondent, no such relief was granted by this Court and the fact remains that the 5th respondent has been continuing from 1994 onwards.

In response to the Rule Nisi ordered, separate counter-affidavits have been filed by all the respondents.

In the counter-affidavit filed by the Joint Director of Collegiate Education, A.P., Hyderabad, it is stated that the petitioner was not qualified to hold the post of Lecturer as on the date of interview and therefore he was not selected by the Selection Committee. It is stated that he got only 47.5% of marks in M.A. (Political Science) and therefore found to be not qualified. Though subsequently he improved his qualification, as on the date of interview he was not eligible to hold the post of Lecturer and to handle the degree classes.

The same was reiterated in the counter-affidavit filed by the 2nd respondent.

A separate counter-affidavit has also been filed by the 5th respondent stating that by virtue of the selection made by the Selection Committee in the month of December, 1994 he has been continuing as Lecturer in Political Science in the 2nd respondent college.

Having regard to the material available on record, it is clear that in the notification calling for applications for the post of Lecturer itself it was made clear that the candidates should have passed P.G. Degree with 55% of marks in concerned subject with good academic record. Admittedly by the date of the notification, the writ petitioner passed M.A. in Political Science with 47.5% only. If that be so, obviously the petitioner was not eligible for appointment. In the circumstances, the action of the respondents in disregarding his candidature cannot be found fault with.

Nothing has been placed before this Court by the petitioner to

show that he was eligible to hold the post as on the date of selections. It is also not the case of the petitioner that the selection process was irregular. Even the allegations of mala fides against the 2nd respondent were extremely vague and could not be substantiated.

In the circumstances, there is no justifiable reason to hold that the impugned action is arbitrary or illegal.

The writ petition is devoid of any merit and the same is accordingly dismissed. No costs.

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G. ROHINI, J

Dated:22-01-2007
KLP